

Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters



and Decisions

of the United States Court of Appeals for
the Federal Circuit and the United
States Court of International Trade

Vol. 19

MAY 1, 1985

No. 18

This issue contains:

U.S. Customs Service

T.D. 85-55 Through 85-65

T.D. 85-68 Through 85-71

General Notice

THE DEPARTMENT OF THE TREASURY
U.S. Customs Service

NOTICE

The abstracts, rulings, and notices which are issued weekly by the U.S. Customs Service are subject to correction for typographical or other printing errors. Users may notify the U.S. Customs Service, Office of Administrative Programs, Public Services and Information Materials Division, Washington, DC 20229, of any such errors in order that corrections may be made before the bound volumes are published.

U.S. Customs Service

Treasury Decisions

(T.D. 85-55)

Listed below are the buying rates certified for the quarter to the Secretary of the Treasury by the Federal Reserve Bank of New York under the provisions of Section 522(c), Tariff Act of 1930 (31 U.S.C. 372(c), as amended (70 Stat. 946). These quarterly rates are applicable throughout the quarter except when the certified daily rates vary by 5% or more. Such daily variances are published by the CIE on a weekly basis.

Quarter beginning: April 1, 1985 through June 30, 1985.

Country	Name of currency	U.S. dollars
Australia.....	Dollar .....	.67700
Austria.....	Schilling.....	.045678
Belgium.....	Franc.....	.015924
Brazil.....	Cruziero .....	.000225
Canada.....	Dollar .....	.730994
China, P.R.	Renminbi Yuan.....	.353744
Denmark.....	Krone.....	.089626
Finland.....	Markka .....	.153551
France.....	Franc.....	.105042
Germany.....	Deutsche Mark .....	.320667
Hong Kong	Dollar .....	.128213
India.....	Rupee.....	.080775
Iran.....	Rial.....	N/A
Ireland.....	Pound	1.0000
Italy.....	Lira.....	.000504
Japan.....	Yen.....	.003961
Malaysia.....	Dollar .....	.394089
Mexico.....	Peso.....	.004049
Netherlands.....	Guilder.....	.284091
New Zealand.....	Dollar .....	.46100
Norway.....	Krone.....	.111173
Philippines.....	Peso.....	N/A
Portugal.....	Escudo.....	.005731
Republic of So. Africa	Rand.....	.51500
Singapore.....	Dollar .....	.448934
Spain.....	Peseta.....	.005755

Country	Name of currency	U.S. dollars
Sri-Lanka.....	Rupee.....	.037085
Sweden.....	Krona.....	.110773
Switzerland.....	Franc.....	.378931
Thailand.....	Baht (Tical).....	.036523
United Kingdom.....	Pound.....	1.2215
Venezuela.....	Bolivar.....	N/A

(LIQ-03-01 S.COM CIE)

Dated: April 1, 1985.

ANGELA DEGAETANO,
Chief,
Customs Information Exchange.

(T.D. 85-56)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 85-9 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Australia dollar:	
March 1, 1985	\$0.70850
Austria schilling:	
March 1, 1985 .....	.042422
Belgium franc:	
March 1, 1985 .....	.014815
Brazil cruzeiro:	
March 1, 1985 .....	.000253
Denmark krone:	
March 1, 1985 .....	.083195
France franc:	
March 1, 1985 .....	.097609
Germany deutsche mark:	
March 1, 1985 .....	.298151
Ireland pound:	
March 1, 1985 .....	.92900

Italy lira:	
March 1, 1985 .....	.000477
Malaysia dollar:	
March 1, 1985 .....	.386399
Netherlands guilder:	
March 1, 1985 .....	.263505
New Zealand dollar:	
March 1, 1985 .....	.43000
Portugal escudo:	
March 1, 1985 .....	.005376
Spain peseta:	
March 1, 1985 .....	.005379
Sweden krona:	
March 1, 1985 .....	.104932
Switzerland franc:	
March 1, 1985 .....	.349528
United Kingdom pound:	
March 1, 1985	1.0720

(LIQ-03-01 S:COM CIE)

Dated: March 1, 1985.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 85-57)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 85-9 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Australia dollar:	
March 4, 1985	\$0.70350
March 5, 1985 .....	.69750
March 6, 1985 .....	.68120
March 7, 1985 .....	.69070
March 8, 1985 .....	.69000

Austria schilling:

March 4, 1985 .....	.042225
March 5, 1985 .....	.041520
March 6, 1985 .....	.041728
March 7, 1985 .....	.041894
March 8, 1985 .....	.041554

Belgium franc:

March 4, 1985 .....	.014734
March 5, 1985 .....	.014484
March 6, 1985 .....	.014706
March 7, 1985 .....	.014637
March 8, 1985 .....	.014575

Brazil cruzeiro:

March 4, 1985 .....	.000253
March 5, 1985 .....	.000249
March 6, 1985 .....	.000249
March 7,8, 1985 .....	.000249

Canada dollar:

March 4, 1985 .....	.716846
March 5, 1985 .....	.715205
March 6, 1985 .....	.714031
March 7, 1985 .....	.715308
March 8, 1985 .....	.714082

Denmark krone:

March 4, 1985 .....	.082816
March 5, 1985 .....	.081433
March 6, 1985 .....	.082747
March 7, 1985 .....	.082355
March 8, 1985 .....	.082237

Finland markka:

March 4, 1985 .....	.142908
March 5, 1985 .....	.140944
March 6, 1985 .....	.142755
March 7, 1985 .....	.141894
March 8, 1985 .....	.141243

France franc:

March 4, 1985 .....	.096923
March 5, 1985 .....	.095374
March 6, 1985 .....	.096712
March 7, 1985 .....	.096293
March 8, 1985 .....	.095969

Germany deutsche mark:

March 4, 1985 .....	.296252
March 5, 1985 .....	.291375
March 6, 1985 .....	.295421
March 7, 1985 .....	.294377
March 8, 1985 .....	.292826

India rupee:

March 4, 1985 .....	.076453
March 5, 1985 .....	.076046
March 6, 1985 .....	.075988
March 7, 1985 .....	.076394
March 8, 1985 .....	.075988

Ireland pound:

March 4, 1985 .....	.92150
March 5, 1985 .....	.90680
March 6, 1985 .....	.91850
March 7, 1985 .....	.91700
March 8, 1985 .....	.91250

Italy lira:

March 4, 1985 .....	.000477
March 5, 1985 .....	.000469
March 6, 1985 .....	.000477
March 7, 1985 .....	.000471
March 8, 1985 .....	.000469

Malaysia dollar:

March 4, 1985 .....	.384615
March 5, 1985 .....	.384911
March 6, 1985 .....	.384468
March 7, 8, 1985 .....	.384468

Mexico peso:

March 6, 1985 .....	.004082
March 7, 1985 .....	.004090
March 8, 1985 .....	.004098

Netherlands guilder:

March 4, 1985 .....	.261540
March 5, 1985 .....	.257400
March 6, 1985 .....	.261097
March 7, 1985260010
March 8, 1985259370

New Zealand dollar:

March 4, 198543350
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Norway krone:

March 5, 1985101911
March 6, 1985103266
March 7, 1985102617
March 8, 1985102459

Portugal escudo:

March 4, 1985 .....	.005376
March 5, 6, 1985 .....	.005333
March 7, 1985 .....	.005319
March 8, 1985 .....	.005305

Spain peseta:

March 4, 1985 .....	.005368
March 5, 1985 .....	.005302

March 6, 1985 .....	.005270
March 7, 1985 .....	.005308
March 8, 1985 .....	.005313
Sweden krona:	
March 4, 1985 .....	.104849
March 5, 1985 .....	.102934
March 6, 1985 .....	.104167
March 7, 8, 1985 .....	.103627
Switzerland franc:	
March 4, 1985 .....	.345662
March 5, 1985 .....	.341939
March 6, 1985 .....	.345066
March 7, 1985 .....	.344709
March 8, 1985 .....	.344471
United Kingdom pound:	
March 4, 1985	1.0677
March 5, 1985	1.0545
March 6, 1985	1.0720
March 7, 1985	1.0674
March 8, 1985	1.0640

(LIQ-03-01 S:COM CIE)

Dated: March 8, 1985.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 85-58)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 85-9 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Australia dollar:

March 11, 1985	\$0.70300
March 12, 1985 .....	.69600
March 13, 1985 .....	.69450
March 14, 1985 .....	.69020

March 15, 1985 .....	.68880
Austria schilling:	
March 11, 1985 .....	.042297
March 12, 1985 .....	.042194
March 13, 1985 .....	.041819
March 14, 1985 .....	.042052
March 15, 1985 .....	.042123
Belgium franc:	
March 11, 1985 .....	.014888
March 12, 1985 .....	.014848
March 13, 1985 .....	.014824
March 14, 1985 .....	.014695
March 15, 1985 .....	.014728
Brazil cruzeiro:	
March 11, 1985 .....	.000249
March 12, 1985 .....	.000245
March 13, 1985 .....	.000245
March 14, 1985 .....	.000240
March 15, 1985 .....	.000238
Denmark krone:	
March 11, 1985 .....	.083724
March 12, 1985 .....	.083472
March 13, 1985 .....	.083177
March 14, 1985 .....	.082696
March 15, 1985 .....	.082867
Finland markka:	
March 12, 1985 .....	.143472
March 13, 1985 .....	.143421
March 14, 1985 .....	.142674
March 15, 1985 .....	.142806
France franc:	
March 12, 1985 .....	.097752
March 13, 1985 .....	.097609
March 14, 1985 .....	.096712
March 15, 1985 .....	.096899
Germany deutsche mark:	
March 12, 1985 .....	.298864
March 13, 1985 .....	.297885
March 14, 1985 .....	.295377
March 15, 1985 .....	.296033
India rupee:	
March 11, 1985 .....	.076687
March 14, 1985 .....	.076570
March 15, 1985 .....	.076336
Ireland pound:	
March 11, 1985 .....	.93200
March 12-13, 1985 .....	.92900
March 14, 1985 .....	.92000

March 15, 1985 .....	.91900
Italy lira:	
March 11, 1985 .....	.000481
March 12-13, 1985 .....	.000476
March 14, 1985 .....	.000470
March 15, 1985 .....	.000469
Malaysia dollar:	
March 11, 1985 .....	.384986
March 12, 1985 .....	.386847
March 13, 1985 .....	.386623
March 14, 1985 .....	.385802
March 15, 1985 .....	.385579
Mexico peso:	
March 11, 1985 .....	.004086
March 12, 1985 .....	.004032
March 13, 1985 .....	.004000
March 14, 1985 .....	.004028
March 15, 1985 .....	.004020
Netherlands guilder:	
March 11, 1985 .....	.264620
March 12, 1985 .....	.263852
March 13, 1985 .....	.263366
March 14, 1985 .....	.261131
March 15, 1985 .....	.261677
New Zealand dollar:	
March 12-13, 1985 .....	.44500
March 14, 1985 .....	.44400
March 15, 1985 .....	.44300
Norway krone:	
March 14, 1985 .....	.103493
Portugal escudo:	
March 11-13, 1985 .....	.005376
March 14, 1985 .....	.005348
March 15, 1985 .....	.005333
Spain peseta:	
March 11, 1985 .....	.005379
March 12, 1985 .....	.005389
March 13, 1985 .....	.005398
March 14, 1985 .....	.005339
March 15, 1985 .....	.005292
Sweden krona:	
March 11, 1985 .....	.104756
March 12, 1985 .....	.104712
March 13, 1985 .....	.104630
March 14, 1985 .....	.104112
March 15, 1985 .....	.104411
Switzerland franc:	
March 11, 1985 .....	.351000

March 12, 1985 .....	.352113
March 13, 1985 .....	.350877
March 14, 1985 .....	.347222
March 15, 1985 .....	.347705
United Kingdom pound:	
March 11-12, 1985	1.0885
March 13, 1985	1.0860
March 14, 1985	1.0805
March 15, 1985	1.0840

(LIQ-03-01 S:COM CIE)

Dated: March 15, 1985.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 85-59)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 85-9 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to concert such currency into currency of the United States, conversion shall be at the following rates.

Australia dollar:	
March 18, 1985	\$0.69200
March 19, 1985 .....	.69750
March 20, 1985 .....	.69500
March 21, 1985 .....	.70600
March 22, 1985 .....	.70000
Austria schilling:	
March 18, 1985 .....	.042599
Belgium franc:	
March 18, 1985 .....	.014894
Brazil cruziero:	
March 18-21, 1985 .....	.000238
March 22, 1985 .....	.000235
Denmark krone:	
March 18, 1985 .....	.083752

Germany deutsche mark:	
March 18, 1985 .....	.299312
Ireland pound:	
March 18, 1985 .....	.93100
Italy lira:	
March 18, 1985 .....	.000473
March 19, 1985 .....	.000483
March 20, 1985 .....	.000482
March 21-22, 1985 .....	.000487
Malaysia dollar:	
March 18, 1985 .....	.386250
March 19, 1985 .....	.388350
Mexico peso:	
March 18, 1985 .....	.004000
March 19, 1985 .....	.003984
March 20, 1985 .....	.003992
March 21, 1985 .....	.004024
March 22, 1985 .....	.004032
Netherlands guilder:	
March 18, 1985 .....	.264831
New Zealand dollar:	
March 18, 1985 .....	.44650
March 19, 1985 .....	.44700
Portugal escudo:	
March 18, 1985 .....	.005348
March 19, 1985 .....	.005435
March 20-21, 1985 .....	.005525
March 22, 1985 .....	.005495
Republic of South Africa rand:	
March 20, 1985 .....	.52250
March 21, 1985 .....	.52500
Spain peseta:	
March 18, 1985 .....	.005408
Switzerland franc:	
March 18, 1985 .....	.351741
March 19, 1985 .....	.359389
March 20, 1985 .....	.362976

(LIQ-03-01 S.COMCIE)

Dated: March 22, 1985.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 85-60)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 85-9 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Australia dollar:	
March 25, 1985	\$0.69650
March 26, 1985 .....	.69900
March 27, 1985 .....	.70950
March 28, 1985 .....	.70300
March 29, 1985 .....	.70000
Brazil cruziero:	
March 25-26, 1985 .....	.000233
March 27, 1985 .....	.000231
March 28, 1985 .....	.000227
March 29, 1985 .....	.000225
Italy lira:	
March 25, 1985 .....	.000485
Mexico peso:	
March 25, 1985 .....	.004028
March 26, 1985 .....	.004065
March 27, 1985 .....	.004073
March 28, 1985 .....	.004107
March 29, 1985 .....	.004057
Portugal escudo:	
March 25, 1985 .....	.005495
March 26, 1985 .....	.005540
Republic of South Africa rand:	
March 27, 1985 .....	.52950
March 28, 1985 .....	.52350
March 29, 1985 .....	.52900
United Kingdom pound:	
March 27, 1985	1.2375
March 28, 1985	1.2270
March 29, 1985	1.2360

Dated: March 29, 1985.

ANGELA DEGAETANO,
Chief,
Customs Information Exchange.

(T.D. 85-61)

Foreign Currencies—Daily Rates for Countries Not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C.).

Greece drachma:	
March 1, 1985	\$0.007117
Israel shekel:	
March 1, 1985	N/A
South Korea won:	
March 1, 1985 .....	.001183
Taiwan N.T. dollar:	
March 1, 1985 .....	.025387

(LIQ-03-01 S:COM CIE)

Dated: March 29, 1985.

ANGELA DEGAETANO,
Chief,
Customs Information Exchange.

(T.D. 85-62)

Foreign Currencies—Daily Rates for Countries Not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C.).

Greece drachma:	
March 4, 1985 .....	.007077
March 5, 1985 .....	.007027
March 6, 1985 .....	.006969
March 7, 1985 .....	.006981
March 8, 1985 .....	.006954
Israel shekel:	
March 4-8, 1985	N/A
South Korea won:	
March 4, 1985 .....	.001181
March 5, 1985 .....	.001180
March 6-8, 1985 .....	.001177
Taiwan N.T. dollar:	
March 4, 1985 .....	.025381
March 5, 1985 .....	.025368
March 6-7, 1985 .....	.025355
March 8, 1985	N/A

(LIQ-03-01 S:COM CIE)

Dated: March 8, 1985.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 85-63)

Foreign Currencies—Daily Rates for Countries Not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C.).

Greece drachma:	
March 11, 1985	\$0.007035
March 12-13, 1985 .....	.007018
March 14, 1985 .....	.006969
March 15, 1985 .....	.006964
Israel shekel:	
March 11-15, 1985	N/A
South Korea won:	
March 11, 13, 1985 .....	.001177

March 12, 14, 1985 .....	.001178
March 15, 1985 .....	.001174
Taiwan N.T. dollar:	
March 11, 1985 .....	.025355
March 12, 13, 1985 .....	.025336
March 14, 1985 .....	.025349
March 15, 1985 .....	.025329

(LIQ-03-01 S:COM CIE)

Dated: March 15, 1985.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 85-64)

Foreign Currencies—Daily Rates for Countries Not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C.).

Greece drachma:

March 18, 1985	\$0.007032
March 19, 1985 .....	.007117
March 20, 1985 .....	.007148
March 21, 1985007220
March 22, 1985007207

Israel shekel:

March 18-22, 1985	N/A
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South Korea won:

March 18, 21, 22, 1985001172
March 19, 1985001178
March 20, 1985001173

Taiwan N.T. dollar:

March 18, 1985 .....	.025272
March 19, 1985 .....	.025240
March 20, 1985 .....	.025221
March 21, 1985 .....	.025208
March 22, 1985 .....	.025189

(LIQ-03-01 S:COM CIE)

Dated: March 22, 1985.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 85-65)

Foreign Currencies—Daily Rates for Countries Not on Quarterly
 List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C.).

Greece drachma:	
March 25, 1985	\$0.007194
March 26, 1985 .....	.007241
March 27, 1985 .....	.007353
March 28, 1985 .....	.007339
March 29, 1985 .....	.007407
Israel shekel:	
March 25-29, 1985	N/A
South Korea won:	
March 25, 1985 .....	.001173
March 26, 1985 .....	.001171
March 27, 1985 .....	.001171
March 28, 1985 .....	.001172
March 29, 1985 .....	.001172
Taiwan N.T. dollar:	
March 25, 1985 .....	.025183
March 26, 1985 .....	.025195
March 27, 1985 .....	.025214
March 28, 1985 .....	.025240
March 29, 1985 .....	.025259

(LIQ-03-01 S:COM CIE)

Dated: March 29, 1985.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 85-68)

Recordation of Trade Name: "NEENAH FOUNDRY CO."

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of recordation.

SUMMARY: On January 30, 1985, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade names "NEENAH FOUNDRY CO." was published in the Federal Register (50 FR 4296). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views or arguments submitted in opposition to the recordation and received not later than April 1, 1985. No responses were received in opposition to the notice.

Accordingly, as provided in section 133.14, Customs Regulations (19 CFR 133.14), the name "NEENAH FOUNDRY CO." is recorded as the trade name used by "Neenah, Foundry Co.," a corporation organized under the laws of the State of Wisconsin, located at 2121 Brooks Avenue (P.O. Box 729), Neenah, Wisconsin 54956. The trade name is used in connection with construction castings manufactured in the United States.

DATE: April 16, 1985.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5765).

Dated: April 11, 1985.

STEVEN I. PINTER,
Acting Director,

Entry Procedures and Penalties Division.

[Published in the Federal Register, April 16, 1985 (50 FR 15034)]

(T.D. 85-69)

Recordation of Trade Name: "CRISSAIR INC."

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of recordation.

SUMMARY: On February 5, 1985, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "CRISSAIR INC." was published in the Federal Register (50 FR 5028). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views or arguments submitted

in opposition to the recordation and received not later than April 8, 1985. No responses were received in opposition to the notice.

Accordingly, as provided in section 133.14, Customs Regulations (19 CFR 133.14), the name "CRISSAIR INC." is recorded as the trade name used by Crissair, Inc., a corporation organized under the laws of the State of California, located at 38905 Tenth Street East, Palmdale, California 93550. The trade name is used in connection with the following merchandise manufactured in the United States: hydraulic, fuel, and pneumatic system components (such as valves and actuators) for both military and civilian aircraft and helicopters.

DATE: April 16, 1985.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5765).

Dated: April 11, 1985.

STEVEN I. PINTER,
Acting Director,
Entry Procedures and Penalties Division.

[Published in the Federal Register, April 16, 1985 (50 FR 15034)]

(T.D. 85-70)

Fees Relating to Vessel Services, Container Stations, and Warehouses

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of revised fee schedules.

SUMMARY: To return to the Government the approximate costs of certain services provided to private interests by Customs officers, this document sets forth revised fees to be collected for the following services:

1. To perform vessel services;
2. To establish container stations; and
3. To establish, alter, and relocate a warehouse facility.

The fees are being adjusted to reflect the Federal pay increase, administrative overhead charge and Medicare. The fees shall remain in effect until revised.

EFFECTIVE DATE: April 17, 1985.

FOR FURTHER INFORMATION CONTACT: James Kenny, Accounting Division, (202-566-2021), and John Holl, Office of Inspection and Control, (202-566-8151), Customs Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Fees To Perform Vessel Services

Pub. L. 95-410, the "Customs Procedural Reform and Simplification Act of 1978," approved October 3, 1978, (the "Act"), repealed §§ 2654, 4381, 4382, and 4383 of the Revised Statutes of the United States (19 U.S.C. 58; 46 U.S.C. 329, 330 and 333), the statutory authority under which Customs had been charging and collecting fees for specific services provided to vessels by Customs officers.

Because these "Navigation Fees," which are set forth in § 4.98(a), Customs Regulations (19 CFR 4.98(a)), did not cover the costs of providing the services, § 214 of the Act authorized the Secretary of the Treasury to establish a new schedule of fees to be charged and collected for furnishing these services. The fees are to be consistent with 31 U.S.C. 9701, which provides that the costs of specific services for private interests shall be reimbursed to the Government.

By T.D. 80-25, published in the Federal Register on January 18, 1980 (45 FR 3570), Customs established a fee schedule to be used for 1980, and amended § 4.98(a), Customs Regulations, to provide that a revised fee schedule would be published in the Federal Register and Customs Bulletin in December of each year setting forth navigation fees for the specified vessel services to be performed during the following year. The revised fee schedule is to reflect not only changes in the rate of compensation paid to the Customs officer performing the service, but also a 15 percent administrative overhead charge on the cost to Customs of providing the service, (see T.D. 84-231, published in the Federal Register on November 23, 1984 (49 FR 46118)), and the Medicare compensation costs equal to 1.35 percent of the cost to Customs of providing the service (see T.D. 84-147, published in the Federal Register on July 16, 1984 (49 FR 26700)). The fees are to be calculated in accordance with § 24.17(d), Customs Regulations (19 CFR 24.17(d)), and based upon the amount of time the average service requires of a Customs officer in the fifth step of GS-9.

In a separate regulatory initiative, by T.D. 84-149, published in the Federal Register on July 16, 1984 (49 FR 28695), Customs amended § 4.98(a) to remove the requirement that the revised fee schedule be published in December of each year. That requirement was too restrictive, especially since there was no Federal pay increase in October 1983. As amended, § 4.98(a) provides that a revised fee schedule will be published "periodically" and will remain in effect until changed. That is consistent with the procedure followed in the publication of a fee charged to establish a container station in accordance with T.D. 83-56 (48 FR 9853, March 9, 1983), and discussed below.

Because of the latest Federal pay increase effective January 6, 1985, as well as the current rates for the administrative overhead charge and Medicare that Customs may assess on the services it

provides, it is necessary for Customs to revise the schedule of fees to take into account this increased cost. The adjusted hourly rate used is \$18.15. The fees have been rounded off.

ACTION

The following revised schedule of navigation fees will remain in effect until revised:

Fee No. and description of services	Fee
1. Entry of vessel, including American, from foreign port:	
(a) Less than 100 net tons.....	\$9.00
(b) 100 net tons and over	18.00
2. Clearance of vessel, including American to foreign port:	
(a) Less than 100 tons.....	9.00
(b) 100 net tons and over	18.00
3. Issuing permit to foreign vessel to proceed from district to district, and receiving manifest	18.00
4. Receiving manifest of foreign vessel on arrival from another district, and granting a permit to unlade	18.00
5. Receiving post entry	9.00
6. Reserved.	
7. Certifying payment of tonnage tax for foreign vessels only	4.50
8. Furnishing copy of official document, including certified outward foreign manifest, and others not elsewhere enumerated.....	18.00

Fee To Establish Container Stations

Container stations are secured areas within the U.S. into which containers of imported merchandise may be moved for the purpose of opening the container and delivering the contents before and entry is filed with Customs or duty is paid. A container station serves as a central location at a port for processing containerized merchandise which otherwise could not be handled timely at the dock, wharf, pier, or bonded carrier's terminal.

Sections 19.40 through 19.49, Customs Regulations (19 CFR 19.40-19.49), set forth the procedures for the establishment and use of container stations. To establish a container station under § 19.40, Customs Regulations, and application must be filed with the district director. Before the application may be approved, Customs must: (1) Determine that the application is in proper form; (2) survey the premises to determine that all physical requirements are met; (3) perform a background investigation of the applicant and the applicant's officers and employees; (4) prepare a report of that investigation; and (5) review the application, survey, and background investigation report, and prepare a response to the applicant.

Consistent with the User Charges Statute (31 U.S.C. 9701), by T.D. 83-56, published in the Federal Register on March 9, 1983 (48 FR 9853), Customs amended § 19.40, Customs Regulations, to authorize implementation of a fee schedule to establish a container station. That document provided that the fee schedule is to be published in the Federal Register and Customs Bulletin periodically to revise the fee to reflect the increased costs to establish the container station. The fee is to be calculated in accordance with § 24.17(d), Customs Regulations (19 CFR 24.17(d)). The published revised fee schedule will remain in effect until revised.

The fee charged for the service is based upon the amount of time the service requires of each Customs officer and equals the sum of the individual charges plus a charge for mileage incurred by the applicable Customs officer in using a vehicle to visit the premises to perform his or her respective task. The average mileage associated with performing the necessary tasks is 60 miles. Currently, mileage costs are reimbursed at 20.5 cents per mile. The mileage fee is \$12.30 (60 miles \times 20.5 cents). As set out in T.D. 84-45, published in the Federal Register on February 21, 1984 (49 FR 6433), the current fee to establish a container station is \$879.00 (\$867.19 + 12.30, rounded off). The current rates of 15 percent for the administrative overhead charge and 1.35 percent for Medicare are figured into the revised fees as well.

The (1) grade and step of each Customs officer performing his or her respective service; (2) the adjusted hourly rate or pay utilized; (3) the individual charge of each respective service based on the hourly rate of pay of each Customs officer performing his or her respective service; and (4) the total fee, including mileage, for the service rendered, follow:

Customs officer, grade/step	Individual charge
1. Clerk, 5/5.....	\$59.87
2. Inspector, 11/5.....	307.55
3. Agent, 12/5.....	579.07
4. Administrator, 13/5.....	62.61
Total	1009.10
The mileage fee is \$12.30 (60 miles \times 20.5 cents).	

ACTION

The total fee to establish a container station is \$1021.00 (\$1009.10 + 12.30, rounded off). The fee will remain in effect until revised.

Fee To Establish, Alter, and Relocate a Warehouse Facility

By T.D. 82-204, published in the Federal Register on November 1, 1982 (47 FR 49355), Customs amended various parts of the Customs Regulations to implement changes relating to the control of merchandise in Customs bonded warehouses by establishing and audit-inspection program. A Customs bonded warehouse is a building or other secured area in which dutiable goods may be stored, manipulated, or undergo manufacturing operations without payment of duty.

As amended by T.D. 82-204, § 19.5, Customs Regulations (19 CFR 19.5), provides that each warehouse proprietor will be charged a fee to establish, alter, or relocate a warehouse facility which shall be determined under 31 U.S.C. 9701. Each warehouse proprietor granted the right to operate a warehouse facility shall be charged an annual fee which shall be determined under § 555, Tariff Act of 1930, as amended, (19 U.S.C. 1555). The fees will be revised annually and published in the Federal Register and CUSTOMS BULLETIN.

The purpose of the annual warehouse fee is to reimburse the Customs appropriation for services rendered to the warehouse community including audit, inspection, and related administrative costs, and is to be projected on the basis of the actual annual cost to Customs in the preceding year plus any Federal salary increases. The current rates for the administrative overhead charge and Medicare are figured into the fees as well. By T.D. 85-36 published in the Federal Register on February 27, 1985 (50 FR 8043) the annual fee was increased from \$650.00 to \$1400.00. Any increase in that fee will be the subject of another Federal Register document. As set out in T.D. 84-45, published in the Federal Register on February 21, 1984 (49 FR 6433), the current fee to establish a bonded warehouse is \$879.00; the current fee to alter or relocate an existing bonding warehouse is \$382.00.

To recover the increased costs to Customs, the fees are to be calculated in accordance with § 24.17(d), Customs Regulations.

ACTION

The following fee schedule to establish, alter, and relocate a warehouse facility will remain in effect until revised.

1. Establish a Bonded Warehouse—\$1021.00.
2. Alter an Existing Bonded Warehouse—\$442.00.
3. Relocate an Existing Bonded Warehouse—\$442.00.

The fees have been rounded off to the nearest dollar.

AUTHORITY

(R.S. 251, as amended (19 U.S.C. 66), section 312, 46 Stat. 692, as amended (19 U.S.C. 1312), section 551, 46 Stat. 742, as amended (19 U.S.C. 1551), section 555, 46 Stat. 743, as amended (19 U.S.C. 1555), section 624, 46 Stat. 759 (19 U.S.C. 1624), section 22, 67 Stat. 520 (19

U.S.C. 1646a), 92 Stat. 888 (Pub. L. 95-410), 96 Stat. 1051 (31 U.S.C. 9701))

DRAFTING INFORMATION

The principal author of this document was Glen E. Vereb, Regulations Control Branch, Office of Regulations and Rulings, Customs Headquarters. However, personnel from other Customs offices participated in its development.

ALFRED R. DE ANGELUS,
Acting Commissioner of Customs.

Approved: March 29, 1985.

JOHN M. WALKER, Jr.,
Assistant Secretary of the Treasury.

[Published in the Federal Register, April 17, 1985 (50 FR 15414)]

19 CFR Part 4

(T.D. 85-71)

Customs Regulations Amendment Relating to Payment of Tonnage Tax and Light Money

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to provide that the control number which appears on Customs Form 5104 be written on Customs Form 1002 by Customs as proof of payment when tonnage taxes and light money are paid to Customs by the master of a vessel. This amendment modifies a recently published document which required that both of these forms be submitted to Customs by the master upon each entry of the vessel during the tonnage year. Only the Customs Form 1002 will now be required to be presented. This cross-referenced form will establish the date of commencement of the tonnage year and insure against overpayment. This change is part of Customs continuing efforts to develop a system to improve control over its collection process.

EFFECTIVE DATE: April 18, 1985.

FOR FURTHER INFORMATION CONTACT:

Operational Aspects: Robert Hamilton, Office of Financial Management and Program Analysis, (202-566-2596) and Thomas Davis, Office of Inspection and Control (202-566-5354).

Legal Aspects: Donald Reusch, Carriers, Drawback and Bonds Division (202-566-5706); Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Generally, unless exempted, the U.S. imposes regular and special tonnage taxes, and a duty of a specified amount per ton, known as "light money," on all foreign vessels which enter U.S. ports (46 U.S.C. 121, 128). Section 4.23, Customs Regulations (19 CFR 4.23), formerly provided that upon each payment of tonnage tax or light money, the district director shall give to the master of the vessel a certificate on Customs Form 1002. This certificate constituted the official evidence of payment and was to be presented by the vessel master upon each entry during the tonnage year to establish the date of commencement of the tonnage year and to insure against overpayment.

As part of its continuing efforts to develop a system to improve control over its collection process, by T.D. 84-232, published in the Federal Register on November 23, 1984 (49 FR 46118), effective December 24, 1984, § 4.23 was amended to require that in addition to the Customs Form 1002, a cash receipt (Customs Form 5104) must also be provided by Customs as proof of payment when tonnage taxes and light money are paid by the master of a vessel. This additional form was to have provided further protection for the payer vessel while aiding Customs in safeguarding monies collected.

However, the maritime community has expressed strong opposition to this amendment. They have stated that the original cash receipt (CF 5104) must be sent to the shipowner for reimbursement purposes and therefore would not be available for presentation to Customs. They urged Customs to explore alternatives which would be acceptable to all parties concerned.

After a review of the matter, it has been determined that the alternative with the least amount of impact on all parties concerned is to require Customs officers to cross-reference the CF 5104 control number on the CF 1002. Only the CF 1002 would then be submitted to Customs by the vessel master. This will insure that the vessel master has obtained a cash receipt and will eliminate the requirement that both the CF 5104 and CF 1002 be submitted. This minor change will fulfill Customs objectives of providing further protection for the payer vessel and aid in safeguarding monies collected. Accordingly, § 4.23, will be further amended to reflect this change.

EXECUTIVE ORDER 12291

It has been determined that this amendment is not a "major rule" within the criteria provided in § 1(b) of E.O. 12291, and therefore no regulatory impact analysis is required.

REGULATORY FLEXIBILITY ACT

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that, if adopted, the proposed amendments will not have a significant economic impact on a substantial number of small entities. Accordingly, they are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

DRAFTING INFORMATION

The principal author of this document was Glen E. Vereb, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

INAPPLICABILITY OF PUBLIC NOTICE AND DELAYED EFFECTIVE DATE REQUIREMENTS

Because this amendment merely implements a procedural protection requirement for the benefit of the master of the vessel who paid the tonnage taxes and light money, and because it removes a recently imposed burden on the public and imposes no additional duties or responsibilities, it has been determined that good cause exists for dispensing with notice and public procedure pursuant to 5 U.S.C. 553(b)(B). Further, for the same reasons, good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553(d)(3).

LIST OF SUBJECTS IN 19 CFR PART 4

Customs duties and inspection, Imports, Vessels.

AMENDMENT TO THE REGULATIONS

Part 4, Customs Regulations (19 CFR Part 4), is amended as set forth below:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Section 4.23 is revised to read as follows:

§ 4.23 Certificate of payment and cash receipt.

Upon each payment of tonnage tax or light money, the master of the vessel shall be given a certificate on Customs Form 1002 on which the control number of the cash receipt (Customs Form 5104) upon which payment was recorded shall be written. This certificate shall constitute the official evidence of such payment and shall be presented upon each entry during the tonnage year to establish the date of commencement of the tonnage year and to insure against overpayment. In the absence of the certificate, evidence of payment of tonnage tax shall be obtained from the district director to whom the payment was made.

(R.S. 251, as amended, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759, sec. 101, 76 Stat. 72; (5 U.S.C. 301, 19 U.S.C. 66, 1202, 1624, 46 U.S.C. 2, 3, Gen. Hdnote 11, Tariff Schedules of the United States))

WILLIAM VON RAAB,
Commissioner of Customs.

Approved: March 29, 1985

JOHN M. WALKER, Jr.

Assistant Secretary of the Treasury.

[Published in the Federal Register, April 18, 1985 (50 FR 15414)]



U.S. Customs Service

General Notice

Removal of Prohibition on the Importation of Tuna and Tuna Products From the Solomon Islands

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This notice is to advise that under the Fishery Conservation and Management Act of 1976 ("the Act"), the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs has notified the Secretary of the Treasury that the reasons for the imposition of a prohibition on the importation of tuna and tuna products from the Solomon Islands no longer prevail. Accordingly, the prohibition against the entry for consumption or withdrawal from warehouse for consumption of tuna and tuna products from the Solomon Islands is removed.

EFFECTIVE DATE: The prohibition against the entry for consumption or withdrawal from warehouse for consumption of tuna and tuna products from the Solomon Islands is removed effective April 17, 1985.

FOR FURTHER INFORMATION CONTACT: Harrison C. Feese, Entry, Operations and Trade Control Branch, Office of Commercial Operations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8651).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 205(a)(4)(C) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801, *et seq.*), provides that the Secretary of State shall certify to the Secretary of the Treasury any determination that a fishing vessel of the U.S., while fishing in waters beyond any foreign nation's territorial sea, to the extent that such sea is recognized by the U.S., has been seized by a foreign nation as a consequence of a claim of jurisdiction not recognized by the U.S. The responsibility for this certification was delegated to the Assistant Secretary of State for Oceans and International Environmental

and Scientific Affairs by Department of State Delegation of Authority No. 138 of April 29, 1977.

Pursuant to § 205(b) of the Act, upon receiving the certification, the Secretary of the Treasury is required to take such action as may be necessary and appropriate to prohibit the importation of all fish and fish products from the fishery involved.

Section 205(c) of the Act provides that if the Secretary of State finds that the reasons for the import prohibition no longer prevail, the Secretary of State shall notify the Secretary of the Treasury, who shall promptly remove the import prohibition.

On August 23, 1984, a notice was published in the Federal Register (49 FR 33526) advising that under § 205(a)(4)(C) of the Act, on July 31, 1984, the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs certified to the Secretary of the Treasury that a U.S. fishing vessel, while fishing in waters beyond any foreign nation's territorial sea, to the extent that such sea is recognized by the U.S., was seized by the Solomon Islands as a consequence of a claim of jurisdiction which is not recognized by the U.S. Under the authority of § 205(b) and (c) of the Act, on August 9, 1984, the Secretary of the Treasury determined that the entry for consumption or withdrawal from warehouse for consumption of tuna and tuna products from the Solomon Islands was prohibited until the Department of State notified the Secretary of the Treasury that the reasons for this prohibition no longer prevailed.

On March 6, 1985, the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs informed the Secretary of the Treasury that the reasons for the imposition of the import prohibition on tuna and tuna products no longer prevail. Accordingly, the prohibition against the entry for consumption or withdrawal from warehouse for consumption of tuna and tuna products from the Solomon Islands is removed.

DRAFTING INFORMATION

The principal author of this document was Glen E. Vereb, Regulations control Branch, Office of Regulations and Rulings, Customs Headquarters. However, other personnel in the Customs Service and the Treasury Department participated in its development.

Dated: April 2, 1985.

JOHN M. WALKER, Jr.,
Assistant Secretary of the Treasury.

[Published in the Federal Register, April 17, 1985 (50 FR 15272)]

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